

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNA SALINAS, on her behalf and on	§	
behalf of those similarly situated,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 3: 04-CV-1861-B
	§	
O'REILLY AUTOMOTIVE, INC.,	§	
	§	
Defendant.	§	

ORDER FOLLOWING MARCH 10, 2005 HEARING

A hearing was held on March 10, 2005 regarding several outstanding motions before the Court. As stated at the hearing, after considering the arguments of counsel, the relevant briefing, the evidence presented, and relevant case authorities, the Court makes the following rulings:

- 1) **Plaintiff's Motion to Strike Defendant's Motion for Partial Summary Judgment** (docket no. 53) is DENIED as moot.
- 2) **Plaintiff's Motion for Leave to Amend** (docket no. 58) is DENIED without prejudice.
- 3) **Plaintiff's Motion for Leave to Take Oral Depositions** (docket no. 59) is DENIED without prejudice.
- 4) **Defendant's Motion for Protection and to Stay Collective Action Class Discovery Pending Resolution of Dispositive Motions** (docket no. 65) is GRANTED in part and DENIED in part. The motion is GRANTED to the extent that no further discovery will be permitted except to the extent that Defendant shall provide the Plaintiff with the names and addresses of Defendant's employees that are similarly situated to Plaintiff. The parties are directed to confer with each other in an attempt to agree on how to define such "similarly situated" individuals. If the parties reach agreement, the Defendant shall produce to Plaintiff the names and addresses of such similarly situated individuals. If agreement cannot be reached, the parties may submit briefing on the issue to the Court, including whether there exists a factual and/or legal nexus binding Plaintiff to potential class members as victims of a policy or practice of Defendant. Briefing by the Plaintiff shall be due by March 31, 2005. Defendant's responsive briefing shall be due 20 days thereafter. Upon review of the briefing,

the Court will determine whether to allow a reply brief by Plaintiff, and it will also, if necessary, determine the scope of discovery, if any, that shall be conducted before Plaintiff moves for conditional certification.

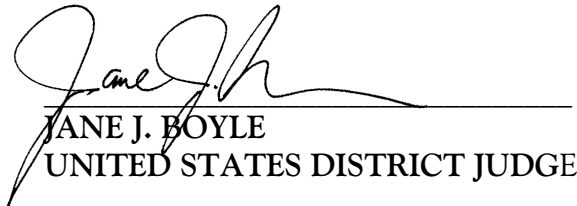
5) **Plaintiff's Motion for Continuance Pursuant to Rule 56(f)** (docket no. 72) is DENIED as moot.

6) **Plaintiff's Motion to Modify Scheduling Order to Extend Time to Move for Notice to Potential Class Members** (docket no. 82) is GRANTED. The current October 25, 2004 Scheduling Order is SUSPENDED. The Court will be entering an Amended Scheduling Order to efficiently manage the disposition of this case.

7) **Defendant's Motion for Partial Summary Judgment to Resolve Collective Action Issue** (docket no. 50) is DENIED without prejudice.

SO ORDERED.

SIGNED March 11th, 2005


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE